



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/645,186

08/21/2003

David A. Busche

20703-1

7059

30482 7590 07/08/2008

BEMIS COMPANY, INC.  
Patent and Trademark Department  
2200 BADGER AVENUE  
OSHKOSH, WI 54904

EXAMINER

AUGHENBAUGH, WALTER

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,186	<b>Applicant(s)</b> BUSCHE ET AL.	
	<b>Examiner</b> WALTER B. AUGHENBAUGH	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-19,21-36,38-43,50,52-62 and 64-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15-19,21-36,38-43,50,52-62 and 64-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/09/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgement of Applicant's Amendments***

1. The amendments made in claims 1, 3, 6, 10, 18, 19, 36, 43, 50, 52 and 64-66 in the Amendment filed April 9, 2008 have been received and considered by Examiner.
2. New claim 70 presented in the Amendment filed April 9, 2008 has been received and considered by Examiner.
3. Applicant's amendments in the specification in the Amendment filed April 9, 2008 have been received and considered by Examiner.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 3-13, 15-19, 21-36, 38-43, 50, 52-62 and 64-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. (USPN 5,888,648) in view of Ramesh et al. (USPN 6,221,410).

In regard to claims 1, 43 and 50, Donovan et al. teach an individual, end-sealed packaging bag (col. 1, lines 16-23, col. 2, lines 4-9, col. 5, lines 50-58 and Fig. 1 and 2) formed from a polymeric film (col. 3, line 65-col. 4, line 11) where the sheet has a first side, an opposing second side, an inner surface and an outer surface (Fig. 1 and 2) where the bag comprises a first seal (item 13 in Fig. 1 and item 25 in Fig. 2, col. 5, lines 50-55 and 60-64) connecting the first side to the second side and defining a tube member (col. 2, lines 6-9 and Fig. 1A, 2A, 3 and 4) having a first bag wall, a second bag wall, opposing first and second bag edges, an end and an open mouth opposite the end (since end seal 15 in Fig. 1 and end seal 26 in Fig. 2 are easily

Art Unit: 1794

opened as taught by Donovan et al. at col. 3, lines 8-9, the embodiment where the bag mouth is opened is taught by Donovan et al.) and a second seal (end seal 16 in Fig. 1 and end seal 27 in Fig. 2) provided through the first and second bag walls where the second seal extends laterally across the width of both the first and second bag walls at a position proximate the end, whereby an empty product receiving chamber is defined by the first bag wall, the second bag wall, the second seal and the open mouth (col. 8, lines 57-59 and 64-66), wherein the first seal comprises a peelable seal (col. 6, lines 16-28). Donovan et al. teach that the film is preferably oriented polypropylene (col. 3, lines 65-66) and that the bag is used to store food products (col. 1, lines 8-12 and 24-28).

In further regard to claim 1, Donovan et al. teach that the first seal is a lap (item 13) or fin (item 25) seal (col. 8, lines 47-65) and that the first seal is peelable (col. 6, lines 16-28).

In further regard to claim 43, Donovan et al. teach that the first side and second side are bonded along the lengths thereof (Fig. 1 and 2) and that the first seal is a lap seal (item 13, Fig. 1) and a peelable seal (col. 8, lines 47-52). Donovan et al. teach that the second seal is nonpeelable (col. 6, lines 16-28).

In further regard to claim 50, Donovan et al. teach that the first side and second side are bonded along the lengths thereof (Fig. 1 and 2) and that the first seal is a lap seal (item 13, Fig. 1) and a peelable seal (col. 8, lines 47-52). Donovan et al. teach that the first seal is continuous (item 13 in Fig. 1 and item 25 in Fig. 2, col. 5, lines 50-55 and 60-64) and defines a tube member (Fig. 1 and 2). Donovan et al. teach that the film comprises a multilayer barrier film (col. 6, lines 16-28).

In regard to claims 1, 43 and 50, Donovan et al. fail to teach that the polymeric film is heat shrinkable and fail to teach that the film has the claimed shrinkage value.

Ramesh et al., however, disclose a film comprising a biaxially oriented polypropylene film that is heat-shrinkable (col. 19, lines 21-24, col. 17, lines 13-24 and col. 8, line 14). Ramesh et al. teach that processed meat products such as poultry and ham are often packaged in heat-shrinkable plastic tubing known as casings (col. 1, lines 25-27). Therefore, one of ordinary skill in the art would have recognized to have used the heat-shrinkable biaxially oriented polypropylene film of Ramesh et al. as the oriented polypropylene film of Donovan et al. since heat-shrinkable biaxially oriented polypropylene films are well known oriented polypropylene films for use in packaging meat products such as poultry and ham as taught by Ramesh et al.

Ramesh et al., furthermore, teach that the biaxially oriented (equivalently, biaxially stretched) tubular film has a shrinkage value in one or both directions of about 10-50%, and more preferably, about 15-35% at 185°F (85°C) (col. 8, lines 7-14). Therefore, one of ordinary skill in the art would have recognized to have selected a biaxially oriented polypropylene film that has a shrinkage value of about 15-35% at 185°F (85°C) for use as the biaxially oriented polypropylene film of the bag taught by Donovan et al. and Ramesh et al. since a biaxially oriented polypropylene film having a shrinkage value of from 15 to 35% is a well known film for use in food casings as taught by Ramesh et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the heat-shrinkable biaxially oriented polypropylene film of Ramesh et al. as the oriented polypropylene film of Donovan et al. since heat-shrinkable biaxially oriented polypropylene films are well known oriented polypropylene films for use in food packaging as

Art Unit: 1794

taught by Ramesh et al. and to have selected a biaxially oriented polypropylene film that has a shrinkage value of about 15-35% at 185°F (85°C) for use as the biaxially oriented polypropylene film of the bag taught by Donovan et al. and Ramesh et al. since a biaxially oriented polypropylene film having a shrinkage value of from 15 to 35% is a well known film for use in food casings as taught by Ramesh et al.

In further regard to claim 50, Donovan et al. fail to teach that the first seal has a seal strength that is less than the claimed maximum seal strength for the first seal and that the second seal has a seal strength that is greater than the claimed minimum seal strength for the second seal. However, since Donovan et al. teach that the first seal is peelable (col.6, lines 16-28), one of ordinary skill in the art would have recognized to have selected materials for the first seal such that the seal strengths of the seal is less than the claimed maximum value in order to render the seal sufficiently peelable depending upon the particular desired end use as taught by Donovan et al. Furthermore, since the second seal of Donovan et al. is a seal (col. 6, lines 16-28), one of ordinary skill in the art would have recognized to have selected materials for the second seal such that the seal strength of the seal is greater than the claimed minimum value in order to render the seal sufficiently strong depending upon the particular desired end use as taught by Donovan et al.

In regard to claims 3 and 8, Donovan et al. fail to teach that the first seal comprises a butt-seal. Ramesh et al., however, disclose that the casing comprises a butt seal where the butt seal includes a butt seal tape (col. 5, lines 32-40), and since Ramesh et al. disclose that the butt seal tape is heat shrinkable, the butt seal tape necessarily comprises two heat seals that join the two borders of the tape to the two respective sides of the film. Therefore, one of ordinary skill in

Art Unit: 1794

the art would have recognized to have used the butt seal structure of Ramesh et al. to form the first seal of Donovan et al. since the butt seal is a well known seal for use in oriented polypropylene films for use in food packaging as taught by Ramesh et al.

In regard to claims 4 and 6, Donovan et al. teach that the first and second seals are peelable (col. 6, lines 16-28), so the heat-shrinkable film taught by Donovan et al. and Ramesh et al. includes a peelable system. In further regard to claim 6, since the first seal of Donovan et al. comprises a peelable seal (col. 6, lines 16-28), the heat-shrinkable film taught by Donovan et al. and Ramesh et al. includes a peelable system.

In regard to claim 5, since Donovan et al. teach that the first and second seals are peelable (col. 6, lines 16-28), one of ordinary skill in the art would have recognized to have used a peelable system as the butt-seal of the bag taught by Donovan et al. and Ramesh et al. since the butt seal is a well known seal for use in oriented polypropylene films for use in food packaging as taught by Ramesh et al.

In regard to claim 7, the end of any piece of tape is a pull flap, so the tape of the bag taught by Donovan et al. and Ramesh et al. includes a pull flap. In regard to claim 9, Ramesh et al. teach that one of the sides extend outwardly to form a pull flap (see Fig. 1).

In regard to claim 10, Donovan et al. teach that the first seal includes the claimed seal strip (strips 13 and 25, col. 8, lines 47-65), where heat seals join the respective surfaces of the strip to the respective side of the film (col. 4, lines 40-44).

In regard to claims 11 and 12, Donovan et al. teach that the first and second heat seals are peelable seals (col. 6, lines 20-27), and therefore, in regard to claim 13, the strip film and heat-shrinkable film taught by Donovan et al. and Ramesh et al. include a peelable system. In regard

Art Unit: 1794

to claim 15, since the lap seal, item 13, overlaps the package (Fig. 1), the strip film includes a pull flap.

In regard to claim 16, Donovan et al. teach that the film comprises a multilayer barrier film (col. 6, lines 16-28).

In regard to claims 17 and 52, Donovan et al. teach that the multilayer barrier film comprises an inner heat sealing layer (item 63 or item 67), a barrier layer (item 68), a core layer (item 65), a tie layer (item 67 or item 63) and an outer heat sealing layer (item 61) (Fig. 6 and col. 11, lines 18-36 and 56-66). Note that “adjacent” does not require absolute contact, but requires relatively close position. *Ex parte Hadsel* (PO BdApp) 109 USPQ 509.

In regard to claims 18 and 19, Donovan et al. and Ramesh et al. fail to teach the claimed seal strength values. However, since Donovan et al. teach that the seal is peelable (col.6, lines 16-28), one of ordinary skill in the art would have recognized to have selected materials for the first seal such that the seal strengths of the seal is less than the claimed maximum values in order to render the seals sufficiently peelable depending upon the particular desired end use as taught by Donovan et al.

In regard to claims 21 and 67, while Donovan et al. and Ramesh et al. fail to explicitly teach that the outer sealing layer (item 61) forms the outer surface of the bag, one of ordinary skill in the art would have recognized to have situated the film such that the outer sealing layer (item 61) forms the outer surface of the bag depending on the desired location of the seal.

In regard to claims 22 and 68, the tie layer, item 67, of Donovan et al. is permanently bonded to the core layer, item 65, and peelably bonded to the outer heat sealing layer, item 61,



Art Unit: 1794

via the core layer and the inner heat sealing layer, item 63 (Fig. 6 and col. 11, lines 18-36 and 56-66).

In regard to claims 23 and 69, the tie layer, item 63, of Donovan et al. is permanently bonded to the outer heat sealing layer, item 61, and peelably bonded to the core layer, item 65 (Fig. 6 and col. 11, lines 18-30).

In regard to claims 24 and 53, Donovan et al. teach that the tie layer comprises a blend of polybutylene and at least one other constituent when item 63 is the tie layer (col. 11, lines 26-31 and col. 12, lines 5-15).

In regard to claim 25, at least one other constituent of Donovan et al. is a polyethylene (col. 11, lines 26-31).

In regard to claims 26 and 55, Donovan et al. teach that the outer heat sealing layer comprises polyethylene (col. 11, lines 21-26).

In regard to claims 27, 31, 56 and 60, Donovan et al. fail to teach that the core layer (item 65) comprises a blend of polyethylene and ethylene-vinyl acetate copolymer. Ramesh et al., however, disclose that a blend of a polyethylene and ethylene-vinyl acetate copolymer is a preferable material for use as a core layer (col. 22, lines 50-51 and col. 22, line 66-col. 23, line 2). Therefore, one of ordinary skill in the art would have recognized to have used the blend of a polyethylene and ethylene-vinyl acetate copolymer of Ramesh et al. as the material of the core layer of Donovan et al. since a blend of a polyethylene and ethylene-vinyl acetate copolymer is a preferable material for use as a core layer as taught by Ramesh et al. In further regard to claim 31, Donovan et al. and Ramesh et al. teach the bag as discussed above in regard to claims 24, 26,

Art Unit: 1794

29 and 30. In further regard to claim 60, Donovan et al. and Ramesh et al. teach the bag as discussed above in regard to claims 53, 55, 58 and 59.

In regard to claims 28, 29, 57 and 58, Donovan et al. teach that the barrier layer is selected from any four of the compounds claimed in claims 28 and 57 (col. 4, lines 2-10). In further regard to claims 29 and 58, Donovan et al. teach that the barrier layer is of polyvinylidene chloride copolymer (col. 4, lines 2-10).

In regard to claims 30 and 59, Donovan et al. teach that the inner heat sealing layer comprises a blend of polyethylene and ethylene-vinyl acetate copolymer (col. 13, lines 39-45 and col. 17, lines 25-29).

In regard to claims 32 and 61, Donovan et al. teach that the other constituent is polyethylene (col. 12, lines 5-12). While Donovan et al. teach that polyvinylidene chloride is a suitable barrier resin, Donovan et al. fail to explicitly teach that the barrier layer comprises the particular claimed polyvinylidene chloride. However, since Donovan et al. teach that polyvinylidene chloride is a suitable barrier resin, one of ordinary skill in the art would have recognized to have used a blend of any polyvinylidene chloride resin as the barrier resin of the bag taught by Donovan et al. and Ramesh et al.

In regard to claims 33 and 62, Donovan et al. and Ramesh et al. teach the bag as discussed in this Office Action in regard to claims 1 and 50. Furthermore, Donovan et al. teach that the inner heat sealing layer constitutes 35% of the total film thickness if item 63 of Donovan et al. is the inner heat sealing layer, that the barrier layer, item 68, constitutes 3% of the total film thickness, that the core layer, item 65, constitutes 47% of the total film thickness, that the tie layer constitutes 10% of the total film thickness if item 67 of Donovan et al. is the tie layer, and

Art Unit: 1794

that the outer heat sealing layer, item 61, constitutes 5% of the total film thickness (col. 11, lines 21-42 and 56-64). Therefore, Donovan et al. and Ramesh et al. fail to teach that the core layer, item 65, constitutes less than 28% of the total film thickness. However, Donovan et al. teach that the core layer, item 65, is an oriented polypropylene layer (col. 11, lines 31-35 and 62-64) and that the multilayer film can provide simple or enhanced barrier properties for maintenance of package contents (col. 9, lines 55-64) and that an oriented polypropylene layer is a high barrier layer (col. 9, lines 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have varied the thickness of the oriented polypropylene barrier layer of the bag taught by Donovan et al. and Ramesh et al. in order to achieve the desired degree of barrier properties for maintenance of package contents depending on the desired end results and intended use of the package as taught by Donovan et al.

In regard to claim 34, Donovan et al. teach that the second seal is nonpeelable (col. 6, lines 16-28).

In regard to claims 64-66, Donovan et al. and Ramesh et al. fail to teach the claimed seal strength values. However, since the seals of Donovan et al. are seals (col. 6, lines 16-28), one of ordinary skill in the art would have recognized to have selected materials for the second seal such that the seal strengths of the seal is greater than the claimed minimum value in order to render the seal sufficiently strong depending upon the particular desired end use as taught by Donovan et al.

In regard to claims 35 and 36, Donovan et al. fail to teach that the film is has a thickness that falls within the claimed thickness ranges. Ramesh et al., however, disclose that the film has a thickness of about 1 to 8 mils, and more preferably, 2 to 4 mils (col. 18, lines 63-67). Therefore,

one of ordinary skill in the art would have recognized to have formed the film taught by Donovan et al. and Ramesh et al. such that it has a thickness of 1 to 8 mils, and more preferably, 2 to 4 mils since thickness values that fall within these thickness ranges are well known values for the thickness of a food casing as taught by Ramesh et al.

In regard to claims 38-40, Ramesh et al. teach that the film has the claimed shrinkage values in both the machine and transverse directions (col. 8, lines 7-14).

In regard to claim 41, Donovan et al. teach that the first seal comprises a lap seal (col. 8, lines 47-59) and that the inner heat sealing layer forms the inside surface of the bag (Fig. 6).

In regard to claim 42, Donovan et al. teach that the first seal comprises a lap seal (col. 8, lines 47-59) and that the first side includes an unsealed portion (the portion of the film that forms the border of tunnel 37) extending outwardly beyond the first seal (col. 9, lines 4-8 and Fig. 3). In regard to claim 54, Donovan et al. and Ramesh et al. teach the bag as discussed above in this Office Action in regard to claim 53. At least one other constituent of Donovan et al. is a polyethylene (col. 11, lines 26-31).

In regard to claim 70, Donovan et al. teach that the first seal (item 13 in Fig. 1 and item 25 in Fig. 2) connects the first side to the second side along the lengths thereof (Fig. 1 and 2), so the bag taught by Donovan et al. and Ramesh et al. comprises a first seal that connects the first side to the second side along the lengths thereof.

### ***Response to Arguments***

6. Applicant's arguments regarding the 35 U.S.C. 103 rejection presented on pages 4-14 of the Amendment filed April 9, 2008 have been fully considered but are not persuasive.

Examiner notes that Applicant admits that Donovan et al. “disclose a heat-shrinkable main film substrate”. See paragraph bridging pages 5-6 of the Amendment filed April 9, 2008.

Applicant argues that one of ordinary skill in the art would not combine a peelable sealant layer and a shrinkable main film substrate, but since, as Applicant admits, Donovan et al. teach a sealant layer of a bag that may be peelable or nonpeelable and a main film substrate of a bag that may be shrinkable or non-shrinkable, it would have been obvious to one of ordinary skill in the art to have selected both a peelable sealant layer and a shrinkable main film substrate for use in a bag given that Donovan et al. teach that both of these components are suitable for the invention of Donovan et al. Applicant’s reasons in support of Applicant’s contention that one of ordinary skill in the art would not combine a peelable sealant layer and a shrinkable main film substrate are not supported, and appear to be the opinion of Applicant (“... more than likely...”). Applicant argues that the Office Action is impermissibly “picking and choosing” elements, but, as Applicant admits, Donovan et al. teach that peelable sealant layer and a shrinkable main film substrate are suitable materials for the bag of Donovan et al. Furthermore, the choices between peelable or nonpeelable and between shrinkable or non-shrinkable are not so numerous that arbitrary “picking and choosing” of elements is involved.

Applicant argues one pages 8-12 that a "peelable seal is not "specific[ally]" taught by Donovan et al. However, peelable seals are specifically taught by Donovan et al. See rejection of record. Applicant has also admitted that Donovan et al. teach peelable seals are suitable for the invention of Donovan et al. See paragraph bridging pages 5-6 of the Amendment filed April 9, 2008. Also note the second block quote from Donovan et al. on page 9 of Applicant’s arguments

that specifically teaches that “peelable and unpeelable seals” are suitable seals for the invention of Donovan et al.

Applicant has not shown that the films disclosed in Donovan would have a z-direction tear if the oriented polypropylene film of Ramesh were used in place of the oriented polypropylene film of Donovan.

Applicant argues that a recently filed Cryovac application shows that there has been a long-felt need for the invention claimed by Applicant because the Cryovac application states “[i]t is an object of the present invention to provide an easy openable flexible container of heat-shrinkable thermoplastic material that can be sealed in a tight, hermetic manner...”. However, Donovan teaches such a container. See rejection of record, the second block quote from Donovan et al. on page 9 of Applicant’s arguments and Applicant’s admission that a shrinkable main film substrate is taught by Donovan et al. (also, see the second block quote from Donovan et al. on page 9 that specifically teaches that “peelable and unpeelable seals” are suitable seals for the invention of Donovan et al.).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 1794

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter B Aughenbaugh /  
Examiner, Art Unit 1794  
7/02/08

/Rena L. Dye/  
Supervisory Patent Examiner, Art Unit 1794